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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,788	12/29/2003	Gary B. Solomon	SOL00-01P1C1	2139

7590 04/06/2006

SOLVISIONS TECHNOLOGIES, INT'L
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NORWOOD, MA 02062

EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Detailed Action

This is the third Office Action corresponding to communication filed Mar 20, 2006. The application contains 23 claims. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claims 6, 9-11, 14-18, 21, 22, 24, 25, 27 and 28 stand rejected under 35 U.S.C. 102(e) as being anticipated by Krauska et al. (Pat No 6,363,556).

The patent to Krauska et al. discloses a platform capable of supporting a desktop base, or desktop housing, comprising a generally flat base, rotating elements (wheels), and resistance elements (110) activated by a lever means (5), wherein when activated the rotating means are not in contact with the supporting surface. The base has an opening wherein the stem of the wheels is inserted.

Claims 19, 22 and 23 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Krauska et al.

The device shown by Krauska et al. shows wheels as the rotating element but it would have been obvious to those skilled in the art at the time the invention was made to have used cylindrical, spherical, or combination as an obvious matter of expediency. All these rotating elements are mechanical equivalents since all provide the same results.

Allowable Subject Matter

Claims 7, 8, 12, 13, 20 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive.

Applicant argues that the prior art applied in the rejection cannot be supported on a desktop. Applicant is relaying in functional language. The art as applied by the examiner discloses all the elements recited in the claims. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. The reference is capable of being supported on a desktop. What if the reference is miniaturized to be used as model display?, or how big is the desktop?

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

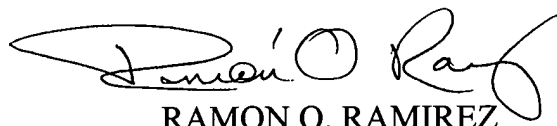
Art Unit: 3632

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ramon O. Ramirez', with a stylized flourish at the end.

RAMON O. RAMIREZ
Primary Examiner
Art Unit 3632

ROR
April 4, 2006